

# General Permit to Discharge under the Wisconsin Pollutant Discharge Elimination System

Note: To request coverage under this storm water permit, you submit an Industrial Facility Notice of Intent (DNR Form 3400-163) to the Department. A Notice of Intent can be obtained at: <http://dnr.wi.gov/org/water/wm/nps/pdf/stormwater/3400163industrialNOI.pdf>. Permit coverage is not conferred until the Department sends a letter to the applicant granting permit coverage.

In compliance with the provisions of Chapter 283, Wisconsin Statutes, any facility engaged in **Dismantling of Vehicles for Parts Selling and Salvage** in the State of Wisconsin that meets the applicability criteria listed in Part A of this General Permit, is permitted to discharge **Storm Water Associated With Industrial Activity** from point sources, either directly or via a separate storm sewer system, to waters of the state (including surface waters, wetlands, groundwater, and municipal and private separate storm sewers) provided that the discharge is in accordance with the conditions set forth in this permit.

This permit is issued by the Department of Natural Resources and covers storm water discharges as of the date of issuance to the facility. This permit will be transmitted by the Department to the permittee along with an attached cover letter stating that coverage under this general permit is appropriate. This permit will become effective at a facility beginning upon the **Start Date** specified by the Department in the cover letter.

This permit to discharge shall expire at midnight, July 31, 2004.

State of Wisconsin Department of Natural Resources

For the Secretary

By \_\_\_\_\_

Allen K. Shea, Director  
Bureau of Watershed Management  
Division of Water

Dated \_\_\_\_\_

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## A. Applicability Criteria

(1) **Facilities Covered:** With exceptions listed in (2) below, this permit applies to storm water discharges originating from facilities which meet either of the following criteria:

(a) Facilities where the activity is classified by the 1987 edition of the **Standard Industrial Classification Manual** as SIC code 5015 - Motor Vehicle Parts, Used. This classification includes facilities engaged in the wholesale or retail distribution of used motor vehicle parts and establishments engaged in dismantling motor vehicles for the purpose of selling parts. **Note: Facilities primarily engaged in dismantling or processing motor vehicles for scrap are classified in SIC 5093 and are required to be covered under General WPDES Storm Water Permit WI-S058831, Recycling of Scrap and Waste Materials;**

(b) Facilities which dismantle motor vehicles for wholesale or retail distribution that petition the Department against coverage under the Tier 1 WPDES Storm Water Discharge Permit No. WI-S067849 and in favor of coverage under this permit.

(2) **Discharges *Not* Covered:** This permit does not apply to:

(a) Non-storm water discharges,

(b) Remedial action discharges or discharges authorized by a general permit for discharging contaminated or uncontaminated groundwater,

(c) Discharges of hazardous substances that are required to be reported under ch. NR 706, Wis. Adm. Code.

(d) Storm water discharges from areas located on plant lands which are segregated from the industrial activities of the plant, such as office buildings and accompanying parking lots, if the drainage from the segregated areas is not mixed with contaminated storm water drainage,

(e) Storm water discharges from industrial activities owned or operated by municipalities which are not required to apply for a municipal storm water discharge permit, not including airports, powerplants or uncontrolled sanitary landfills,

(f) Facilities where the Department makes a determination, pursuant to s. NR 216.25(3), Wis. Adm. Code, that a storm water discharge is more appropriately covered under an individual WPDES permit.

(g) Storm water discharges into a municipal combined sewer system.

(h) Discharges of water that have been treated after contacting petroleum products as authorized by the general permit for petroleum product contact water.

## **B. Requirements for all Discharges**

(1) **Storm Water Pollution Prevention Plan (SWPPP)** - All persons owning or operating facilities covered under this permit (permittees) shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). Further details about how to prepare a SWPPP can be found in the guidance publication ***Industrial Storm Water Pollution Prevention Planning*** (WDNR, Sept. 1994) available from the Department of Administration, Document Sales; telephone 1-800-362-7253; stock no. 1723. The SWPPP shall be in writing and contain, at a minimum, the following elements:

(a) *Pollution Prevention Individual* - The specific individual, identified by job title, responsible for all aspects of SWPPP development and implementation.

(b) *Facility Site Description* - A short description that summarizes the major activities conducted at various locations throughout the facility.

(c) *Drainage Base Map* - A facility drainage base map that depicts how storm water drains on, through, and from the facility to either groundwater, surface water, or wetlands. The drainage base map shall show:

1. the facility property boundaries;

2. a depiction of the storm drainage collection and disposal system, including all known surface and subsurface conveyances, with the conveyances named;
3. any secondary containment structures;
4. the location of all outfalls, including outfalls recognized as permitted outfalls under another WPDES permit, numbered for reference, that discharge channelized flow to surface water, groundwater, or wetlands;
5. the drainage area boundary for each storm water outfall;
6. the surface area in acres draining to each outfall, including the percentage that is impervious such as paved, roofed, or highly compacted soil and the percentage that is pervious such as grassy areas and woods;
7. proposed and existing structural best management practices;
8. proposed and existing storm water treatment practices;
9. the name and location of receiving waters;
10. and, the location of activities and materials that have the potential to contaminate storm water.

(d) *Potential Sources of Storm Water Contamination* - An identification of:

1. *Source Areas* - All potential source areas of storm water contamination and any polluting activities associated with the source areas. The SWPPP shall consider all areas including but not limited to: vehicle inspection areas, areas where vehicle fluids are drained and stored, vehicle dismantling areas, parts storage areas, parts washing areas, equipment maintenance and fueling areas, areas of significant erosion, and any other areas capable of contaminating storm water runoff.
2. *Significant Materials* - Significant polluting materials exposed to storm water in the source areas identified. When possible, specific pollutants likely to be present in storm water as a result of contact with specific materials shall also be listed. Significant materials include, but are not limited to: inbound vehicles; used fluids; vehicle parts; sediment deposits on impervious surfaces; fluids from trucks, auto crushers, and other processing equipment; soil erosion; debris and trash; and other materials with a significant risk of storm water contamination because of associated fluids, small particle size, or ease of transport.
3. *Residual Pollutants* - Areas containing any other toxic or hazardous pollutants from present or past activity at the site that remain in contact with precipitation or storm water and which could be discharged to the waters of the state. This is to include past releases of oil or other hazardous substances reportable under ch. NR 706, Wis. Adm. Code.

(e) *Status of Non-Storm Water Discharges* - Identify all known contaminated and uncontaminated sources of non-storm water discharges to the storm sewer system or waters of the State and indicate which of the discharges, if any, are covered by WPDES permits.

(f) *Permanent Capping or Paving Over Soil* - Before concrete or asphalt capping or paving is placed over any of the critical source areas listed in paragraph (g) below, as part of a proposed storm water best management practice (BMP), the permittee shall check for the presence of residual pollutants. Paving of roadways and other areas that do **not** contain one of the critical source areas can proceed without an investigation as described in this section. The investigation required under this permit may be limited to the areas where storm water BMPs will require capping or paving. The investigation shall take into account the scrap processor's knowledge of the historical use of the area. The permittee may choose either soil sampling or groundwater monitoring in conducting the investigation.

The investigation shall become part of the SWPPP documentation. If significant levels of residual pollutants are found, the permittee shall submit to the WDNR Bureau of Remediation and

Redevelopment the results of all tests taken, a description of the proposed capping or paving over the residual pollutants, and an explanation as to whether or not the proposed capping or paving is a remedial action that will comply with the requirements of the NR 700 rule series, Wis. Adm. Code. The submittal shall be made to the Department prior to capping or paving. The permittee may then proceed without delay with capping or paving. The ability of the permittee to proceed without delay is not an approval of any remedial action, the Department may later determine that the capping or paving does not comply with the requirements of the NR 700 rule series and additional remedial actions may be required.

The permittee has the following options for determining if contamination exists in the critical source areas listed in paragraph (g):

1. Taking soil samples in the immediate location where the BMP will be located. Procedures and standards to be followed are set forth in the Wis. Adm. Code NR 700 rule series. These samples will be analyzed for contaminants that are likely to be present due to previous operational activities (e.g. lead recovery from batteries - samples would be analyzed for lead and pH), or
2. Placing a minimum of three groundwater monitoring wells in the vicinity of the BMP to determine groundwater flow direction and determine whether or not contamination is present. Procedures and standards to be followed are set forth in the Wis. Adm. Code NR 700 rule series. Groundwater monitoring well samples shall be analyzed for contaminants that are likely to be present due to previous operational activities (e.g. scrap metal cleaning area - samples would be analyzed for petroleum constituents, metals, and solvents).

If groundwater monitoring demonstrates that no significant levels of residual contamination are present, then the soils that will remain within the capped or paved BMP area after the BMP construction is complete will not need to be sampled. If soil sampling is required because significant levels of ground water contamination have been detected, in-situ soil sampling will only need to be conducted within the area that is proposed to be capped or paved. Sampling is required for soils removed and disposed of outside of the capped or paved BMP area (including soils disposed of in other areas within the property boundary). Contaminated soils removed from the BMP area shall be disposed of in accordance with ch. NR 718, and NR 500 series, Wis. Adm. Code.

(g) *Critical Source Areas at a Vehicle Dismantling Facility*- An identification of:

1. Unpaved areas where fluids have been drained from vehicles and seeped into the soil.
2. Unpaved areas where oily vehicle parts, such as engines, radiators, power steering gears and pumps, air compressors, master cylinders, calipers, windshield washer reservoirs, or transmissions, have been stored and the fluids have seeped into the soil.
3. Unpaved areas where vehicle crushing has occurred and vehicle fluids have seeped into the soil.
4. Unpaved areas where lead-acid batteries were broken and reclaimed.
5. Unpaved areas used for open burning, which may have contaminated the soil with substances such as, but not limited to, heavy metals and PCBs.

(h) *SWPPP Implementation Schedule* - An implementation schedule that meets or exceeds the pollution source control and compliance activities schedules set forth in this permit. The storm water pollution sources that are identified in the SWPPP shall be controlled by BMPs or treatment practices by the end

of the phase period as shown in Table A. Time in years shall be measured from the start date of the permittee's cover letter.

(i) *Signature* - The SWPPP shall be signed in accordance with item F.(12) of the Standard Permit Conditions section of this permit, and contain the following statement: "I certify under penalty of law that this document and attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information contained in the plan. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information; the information contained in this document is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment. In addition, I certify under penalty of law that, based upon inquiry of persons directly under my supervision, to the best of my knowledge and belief, the provisions of this document adhere to the provisions of the storm water permit for the development and implementation of a Storm Water Pollution Prevention Plan and that the plan will be complied with."

Phase	<b>Table A: Storm Water Pollution Sources to be Addressed in the SWPPP Implementation Schedule</b>
<b>I. Year 1</b>	1. Select BMPs or treatment practices to address the storm water pollution sources identified in this table and schedule their implementation within the time frames shown in the phase column.
<b>II. Year 2-3</b>	1. Non-storm water discharges. Examples are cooling water, process water, sewage, and vehicle wash water.
	2. Sediment deposits on impervious surfaces. Impervious surfaces include rooftops, paved roadways and parking lots, and paved scrap storage and processing areas. Non-industrial impervious areas such as office buildings and employee/visitor parking lots are excluded if the drainage from these areas is not mixed with industrial runoff.
	3. Spills and leaks. Spills and leaks are immediate, accidental releases of fluids or material from used vehicles, processing equipment, drums, aboveground tanks, maintenance activities, hydraulic systems, and fueling operations.
	4. Erosion and sedimentation sources where nonstructural controls are appropriate.
	5. Inbound used vehicles: inspections to prevent unwanted materials.
	6. Parts dismantling activities.
	7. Fluids draining and removal activities. Fluids include, but are not limited to: waste oil, parts cleaning fluids, and maintenance fluids (motor oil, antifreeze, hydraulic oil).
	8. Storage and handling of drained and used fluids and any SARA Title III Section 313 "Water Priority Chemicals" (42 U.S.C. s. 11023(c)).
	9. Vehicle batteries, catalytic converters, mercury switches, and sodium azide airbags.
	10. Parts washing and cleaning.

	11. Accumulated debris.
<b>III. Years 4-5</b>	1. Vehicle parts storage.
	2. Vehicle crushing operations and other processing and handling equipment and associated areas.
<b>IV. Years 6-10</b>	1. Erosion and sedimentation sources where structural controls (paving, detention ponds) are appropriate.
	2. Runoff problems. Ponding, poor drainage, or excessive flow volumes or velocities that contribute to water pollution problems.
	3. Source areas that have been identified in the SWPPP development that are not otherwise listed in this table.
	4. Other materials with a significant risk of storm water contamination.

(2) **Amending a SWPPP** - A permittee shall amend a SWPPP under the following circumstances:

(a) When expansion, production increases, process modifications, changes in material handling or storage, or other activities are planned which will result in significant increases in the exposure of pollutants to storm water discharged either to waters of the state or to storm water treatment devices. The amendment shall contain a description of the new activities that contribute to the increased pollutant loading, planned source control activities that will be used to control pollutant loads, an estimate of the new or increased discharge of pollutants following treatment, and when appropriate, a description of the effect of the new or increased discharge on existing storm water treatment facilities.

(b) The monitoring required in this permit (comprehensive annual facility site compliance inspection, quarterly visual inspections of storm water quality, or monthly inspections, compliance audits) or other means reveals that the provisions of the SWPPP are ineffective in controlling storm water pollutants discharged to waters of the state.

(c) Upon written notice that the department finds the SWPPP to be ineffective in achieving the conditions of this permit.

(3) **Evaluation of Non-Storm Water Discharges.** The permittee shall evaluate all storm water outfalls for non-storm water discharges to the storm drainage system for the duration of this permit. Evaluations shall take place during dry periods and shall be representative of non-storm water discharges from the facility (i.e. consider seasonal or cyclical activities). Either of the following monitoring procedures are acceptable:

(a) *End of Pipe Screening* - A visual observation made *at least twice per year*, beginning with the first year of the permit, at each outfall of the storm sewer collection system. Instances of dry weather flow, stains, sludge, color, odor, or other indications of a non-storm water discharge shall be recorded.

(b) *Detailed Testing* - A detailed testing of the storm sewer collection system may be performed during the first year of the permit. Acceptable testing methods include dye testing, smoke testing, or video camera observation. The Department shall require a re-test after 5 years.

Upon discovering non-storm water flows which are not covered under another permit, the permittee shall either seek coverage under another permit or eliminate the non-storm water flow.

## **C. Additional Requirements for Discharges Where Permittee Elects to Participate in a Cooperative Compliance Program**

A permittee may elect to participate in a cooperative compliance program (CCP) that is sponsored by permittee(s). The purpose of the CCP is to administer a compliance program in such a way that its participants meet the requirements of this permit. A CCP shall comply with Part E of this permit. Where a permittee elects CCP participation, the permittee shall be required to comply with Parts A, B, C, and F of this permit. Permittees that become ineligible, for any reason, for participation in the CCP, shall become subject to the requirements of Part D of this permit and not Part C. Unless the permittee becomes ineligible for CCP participation, the permittee shall have the option to transfer into alternative CCPs.

**(1) Certify Participation** - Within twelve months of the permit coverage start date, the permittee shall certify in writing to the Department that the pollution prevention individual is participating in, and the facility is subject to, a CCP that meets the conditions of Part E of this permit. If the permittee transfers membership into an alternative CCP, the permittee shall notify the Department by letter of the transfer within 14 days. This notice shall be mailed to: Department of Natural Resources, Storm Water Program - WT/2, 101 S. Webster St., Box 7921, Madison, WI 53707-7921.

**(2) Storm Water Pollution Prevention Plan (SWPPP) Development** - Within twelve months of the permit coverage start date, the permittee shall send the Department a statement signed pursuant to section F.(12) of this permit that a SWPPP has been developed for the facility and that the SWPPP has been certified by the CCP. Facilities constructed after the effective date of this permit shall send the Department a statement signed pursuant to section F.(12) of this permit that a SWPPP has been developed for the facility and that the SWPPP has been certified by the CCP prior to initiating construction. The SWPPP shall be kept at the facility and made available to the Department upon request. If the storm water discharges to a municipality covered under a municipal storm water permit, the SWPPP shall be made available to that municipality upon request.

**(3) BMP and Treatment Practice Selection** - The permittee will select from a set of acceptable BMPs and treatment practices that will be provided jointly by the Department and the CCP. The acceptable BMPs may include performance criteria. The selected BMPs and treatment practices will be considered the best available technology (BAT) that is economically achievable and best conventional pollutant control technology (BCT) that demonstrates compliance on the part of the permittee. The Department and the CCP may update the list of approved BMPs and treatment practices to incorporate new approaches and control strategies, and to remove those that are not found to be effective.

Where storm water is significantly contaminated with petroleum products following the implementation of acceptable BMPs, additional BMPs shall include treatment for oil and grease removal by an adequately sized, designed, and functioning wastewater treatment device. Coverage under a separate individual or Petroleum Contact Water general permit is required for discharges of water that has been treated after contacting petroleum products.

Where point source discharges of storm water are contaminated by significant amounts of sediment from eroding areas, including bare-earth industrial lots and ongoing industrial processes, acceptable BMPs shall include treatment by sediment trapping and sediment reduction practices designed in accordance with good engineering practices.

A permittee wishing to substitute a different BMP or treatment practice would assume the risk that additional controls may be required within the term of this permit. Where a permittee proposes a substitute for an acceptable BMP, the CCP shall notify the Department of the substitute in an annual

compliance report. The Department may require additional requirements to monitor the effectiveness of the substitute.

(4) **BMP Implementation** - Permittees shall implement BMPs or treatment practices according to the implementation schedule developed in their SWPPP as part of the requirement in Part B.(1)(h) of this permit.

(5) **Conduct Monthly Inspections** - The permittee shall conduct monthly inspections beginning in the second year of the permit coverage. The inspection shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the BMPs prescribed in the SWPPP are being implemented, properly operated and adequately maintained. Written records maintained on site shall document: the inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP.

(6) **Annual Compliance Audit** - The permittee shall participate in an annual audit of SWPPP compliance and source area control BMP effectiveness administered by the CCP. The results of the audit shall be kept at the facility as part of the SWPPP. The CCP shall include the facility and permittee name on a report of compliance audits performed.

(7) **CCP Eligibility Reinstatement** - If a permittee is terminated from CCP eligibility, it shall be allowed to apply to the Department for CCP eligibility reinstatement. The permittee shall contact the Department by letter to request CCP eligibility reinstatement and justify that non-compliance issues have been resolved. The Department may reinstate CCP eligibility to permittees that have resolved non-compliance issues. The Department shall reinstate a permittee's CCP eligibility status by letter.

(8) **Compliance Activities Schedule** - The permittees shall conduct their compliance activities by the end of the phase period as shown in Table B. Time in years shall be measured from the start date of the permittee's cover letter.

Phase	Table B: Compliance Activities to be Addressed in the SWPPP Implementation Schedule
<b>I. Year 1</b>	<ul style="list-style-type: none"><li>• Designate person responsible for pollution prevention</li><li>• Develop Storm Water Pollution Prevention Plan (SWPPP)</li><li>• Evaluate non-storm water discharges</li><li>• Attend planning program</li></ul>
<b>II. Year 2</b>	<ul style="list-style-type: none"><li>• Attend basic training program</li><li>• Begin documenting monthly self-inspections of BMPs</li><li>• Evaluate non-storm water discharges</li><li>• Implement BMPs or treatment practices to address storm water pollution sources in accordance with the schedule in Table A.</li></ul>
<b>III. Years 3-5</b>	<ul style="list-style-type: none"><li>• Participate in annual compliance audit</li><li>• Attend advanced training program annually</li><li>• Continue to document monthly self-inspections of BMPs</li><li>• Evaluate non-storm water discharges</li><li>• Implement BMPs or treatment practices to address storm water pollution sources in accordance with the schedule in Table A.</li></ul>
<b>IV. Years 6-10</b>	<ul style="list-style-type: none"><li>• Participate in annual compliance audit</li><li>• Attend advanced training program annually</li></ul>



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| <ul style="list-style-type: none"> <li>• Continue to document monthly self-inspections of BMPs</li> <li>• Evaluate non-storm water discharges</li> <li>• Implement BMPs or treatment practices to address storm water pollution sources in accordance with the schedule in Table A.</li> </ul> |
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## **D. Additional Requirements for Discharges where Permittee Does Not Participate in a Cooperative Compliance Program**

### **(1) Storm Water Pollution Prevention Plan (SWPPP)**

(a) *Source Area Control Best Management Practices (BMPs)* - The SWPPP shall provide for the use of source area control best management practices (BMPs) to prevent storm water from being contaminated at the facility. BMPs are schedules of activities, prohibitions of practices, maintenance procedures, structural controls, source area controls, treatment requirements, operating procedures, outdoor storage containment and other management practices to prevent or reduce pollutants in runoff entering waters of the state. The SWPPP shall provide for the use of the following applicable BMPs:

1. Practices to control significant soil erosion;
2. Good house-keeping measures, preventive maintenance measures, visual inspections, spill prevention and response measures, and employee training and awareness;
3. Covering or enclosing salt storage piles so that neither precipitation nor storm water runoff can come into contact with the stored salt; or, for permittees that use brine and have salt storage piles on impervious curbed surfaces, a means of diverting contaminated storm water to a brine treatment system for process use; and
4. Use of a combination of storm water contact control or containment, drainage controls, or diversions to control SARA Title III Section 313 "Water Priority Chemicals" (42 U.S.C. s. 11023(c)) potentially discharged through the action of storm water runoff, leaching, or wind.

(b) *Treatment Practices* - When source area control BMPs are not feasible, not cost effective, or are inadequate to control storm water pollution, or when the Department determines BMPs are inadequate to achieve a water quality standard, the permittee shall implement treatment practices to reduce the pollutants in contaminated storm water prior to discharge to waters of the state. Treatment practice is a storm water treatment system, works, or practice that is designed to reduce or remove pollutants from contaminated storm water. If a SWPPP includes a storm water treatment practice, the department may require the submittal of plans and specifications for review and approval pursuant to s. 281.41(1), Stats. The SWPPP shall provide for the following types of storm water treatment practices:

1. Storm water significantly contaminated with petroleum products shall be treated for oil and grease removal by an adequately sized, designed, and functioning wastewater treatment device. Coverage under a separate individual or Petroleum Contact Water general permit is required for discharges of water that has been treated after contacting petroleum products.
2. Point source discharges of storm water contaminated by significant amounts of sediment from eroding areas, including bare earth industrial lots and ongoing industrial processes, shall be treated by sediment trapping and sediment reduction practices designed in accordance with good engineering practices and the design criteria, standards and specifications outlined in the *Wisconsin Construction Site Best Management Practices Handbook* (WDNR Pub. WR-222

November 1993 Revision) available from the Department of Administration, Document Sales; telephone 1-800-362-7253; stock no. 1700.

(c) The SWPPP shall include a checklist of inspections to be made during the annual facility site inspection.

(d) The SWPPP shall also identify for each outfall the type of monitoring that will be conducted, such as non-storm discharge monitoring, storm water discharge quality inspections or chemical pollutant monitoring.

(e) The SWPPP shall include a annual employee training and awareness program.

**(2) Monitoring Requirements** - Monitoring includes site inspections as well as the collection and analysis of storm water samples. Any monitoring shall be representative of storm water discharges from the facility.

(a) *Annual Facility Site Compliance Inspection (AFSCI)*. Permittees shall perform and document the results of the AFSCI. The inspection shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the best management practices prescribed in the SWPPP are being implemented, properly operated and adequately maintained. Information reported shall include: the inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP.

(b) *Quarterly Visual Monitoring*. Permittees shall perform and document quarterly visual inspections of storm water discharge quality at each storm water discharge outfall. Inspections shall be conducted within the first 30 minutes of discharge or as soon thereafter as practical, but not exceeding 60 minutes. The inspections shall include any observations of color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution. Information reported shall include the inspection date, inspection personnel, visual quality of the storm water discharge, and probable sources of any observed storm water contamination.

(c) *Annual Chemical Storm Water Sampling*. Permittees shall perform annual chemical storm water sampling at each outfall beginning with the second year of coverage under this permit.

1. Permittees shall sample storm water discharges for the following physical and chemical characteristics:

- (1) Total Suspended Solids.
- (2) Chemical Oxygen Demand.
- (3) Conductivity
- (4) Total Recoverable Lead, Copper, & Zinc
- (5) Naphthalene

2. Permittees shall follow the procedure for storm water sampling and analysis as specified in s. NR 216.28(4), Wis. Adm. Code and *Wisconsin's Guidance for Industrial Storm Water Sampling* (WDNR, Sept. 1994) available from the Department of Administration, Document Sales; telephone 1-800-362-7253; stock no. 1724.

3. *Monitoring Waivers*. The department may waive specific monitoring requirements for the following reasons:

- (1) The permittee indicates that either an employee could not reasonably be present at the facility at the time of the snow-melt or runoff event, or that attempts to meet the monitoring requirement would endanger employee safety or well-being.
- (2) The permittee indicates that there were no snow melt or runoff events large enough to conduct a quarterly visual inspection at an outfall.
- (3) An inactive or remote facility (such as an inactive mining operation) demonstrates that monitoring and inspection activities are impractical or unnecessary. At a minimum, the Department shall establish an alternative requirement that the permittee make site inspections by a qualified individual at least once in every 3 year period.
- (4) The permittee can demonstrate to the Department's satisfaction that the sources of storm water contamination are outside of the permittee's property boundary and are not associated with the permittee's activities. The demonstration shall be presented in the SWPPP and submitted to the department for evaluation.

### **(3) Compliance and Reporting Requirements**

#### ***(a) SWPPP Compliance and Reporting Requirements.***

1. Existing facilities shall develop a written SWPPP and submit a SWPPP summary to the department within 12 months from the effective date of coverage under the storm water permit. Facilities constructed after the effective date of this permit shall develop a SWPPP and submit a SWPPP summary to the department prior to initiating construction.
2. The SWPPP shall be kept at the facility and made available to the department upon request. If the storm water discharges to a municipality covered under storm water permit, the SWPPP shall be made available to that municipality upon request.
3. The SWPPP summary shall be submitted on a standardized department form, which the department shall provide with this permit.
4. If a SWPPP summary is incomplete, the department shall notify the permittee, and may request to review the complete SWPPP.
5. The permittee shall keep the SWPPP current to correct deficiencies in the original SWPPP. The permittee shall amend the SWPPP and notify the department in the event of any facility operational changes that could result in additional significant storm water contamination.

***(b) BMP Implementation*** - Permittees shall implement BMPs or treatment practices according to the implementation schedule developed in their SWPPP as part of the requirement in Part B.(1)(h) of this permit.

#### ***(c) Monitoring Compliance and Reporting Requirements***

1. The first AFSCI shall be conducted within 24 months of the effective date of coverage under this permit and shall be submitted within 30 months of the effective date of coverage. Subsequent annual reports shall be submitted within six months after the end of the report year. The report shall be written on forms prepared by and available from the Department, and shall contain information from the AFSCI, the quarterly visual inspection, the non-storm water

evaluation and storm water chemical monitoring. Copies of all of AFSCI, quarterly visual inspection and non-storm water monitoring reports shall be maintained on site for department inspection for the life of the permit.

2. The first quarterly visual inspection of storm water discharge quality shall be conducted within 24 months of the effective date of coverage under the permit.

3. Facilities shall submit their annual chemical monitoring results with their AFSCI report.

(d) *Compliance Activities Schedule* - The permittees shall conduct their compliance activities by the end of the phase period as shown in Table C. Time in years shall be measured from the start date of the permittee's cover letter.

Phase	Table C: Compliance Activity
<b>I. Year 1</b>	<ul style="list-style-type: none"><li>• Designate pollution prevention individual</li><li>• Develop Storm Water Pollution Prevention Plan (SWPPP)</li><li>• Evaluate non-storm water discharges</li></ul>
<b>II. Year 2-10</b>	<ul style="list-style-type: none"><li>• Conduct and record annual inspection</li><li>• Conduct quarterly visual inspection</li><li>• Evaluate non-storm water discharges</li><li>• Conduct annual sampling of storm water discharge</li><li>• Conduct or attend annual employee SWPPP training</li><li>• Implement BMPs or treatment practices to address storm water pollution sources identified in the SWPPP</li></ul>

## E. Cooperative Compliance Program Eligibility and Requirements

(1) **Eligibility** - In order for an organization to be eligible as a Cooperative Compliance Program (CCP) under this permit, the organization must meet and/or demonstrate the following:

(a) *Department Notification* - The organization shall notify the Department by letter of its intent to operate a CCP in accordance with this part of the permit. The letter shall describe how the organization intends to comply with this permit. The organization shall assign a unique name to its CCP. The Department will reply by letter to the organization acknowledging its eligibility as a CCP under this permit.

(b) *Membership Threshold* - The organization shall maintain a minimum membership of 10 permitted facilities under the Dismantling of Vehicles For Parts Selling and Salvage Permit (WI-S059145). A Recycling of Scrap and Waste Materials Permittee (WI-S058831) is not eligible to be a member of a Dismantling of Vehicles For Parts Selling and Salvage CCP. This minimum membership threshold shall be reached and maintained within one year of the Department's letter to the organization acknowledging their intent to operate as a CCP or by September 1, 2000, whichever is later.

(c) *Environmental Expert* - The organization shall have or retain an environmental expert, such as an environmental consultant or equivalent professional, with adequate experience and knowledge in management of storm water pollution through BMPs at scrap recycle, auto dismantle, or equivalent facilities. The environmental expert's credentials shall be provided to the Department.

(d) *Maintaining Eligibility* - The organization shall substantially comply with Part E. of this permit to maintain eligibility as a CCP. The Department shall notify the organization by letter of its ineligibility as a CCP if it determines that the organization has not substantially complied with Part E. of this permit. Examples which may cause an organization to become ineligible in the CCP program include, but are not limited to: failure to conduct audits or training sessions, providing inaccurate reports or failure to maintain proper documentation of audits.

**(2) Requirements** - A CCP shall provide or perform the following:

(a) *Storm Water Manual* - The CCP shall develop and distribute to each member a storm water manual, or equivalent document, to assist each member in managing their own compliance. The manual shall include guidance on preparing a storm water pollution prevention plan, reporting forms, audit records, and other relevant information to assist each member in tracking compliance. All records are to be retained for a period of 10 years.

(b) *Annual Compliance Report* - The annual compliance report shall be in accordance with the following:

1. Starting in the first year of permit coverage, an annual compliance report covering all members shall be submitted to the Department within 2 months after the end of a CCP's compliance-reporting year. The compliance-reporting year for a CCP, under this permit shall be September 1 - August 31 unless otherwise approved by the Department.
2. The annual report shall include a complete evaluation of each member's compliance status with the permit, detailed information on BMPs including effectiveness and additional recommended BMPs, a summary of training provided, and a summary of compliance issues and actions taken to address them. The CCP's environmental expert shall certify annual reports with the use of the following or equivalent language.

*I certify that this annual compliance report meets the requirements of Part E. (2)(b) of the WPDES industrial storm water permit number WI-S059145. To the best of my knowledge and belief, the information contained in the annual compliance report is true, accurate and complete.*

*Signed, CCP Environmental Expert*

(c) *Complaint Investigation* - The Department will ordinarily, in concert with the CCP's environmental expert, investigate a complaint to determine an appropriate course of action. However, the Department retains the ability to independently investigate as authorized by statute.

(d) *Membership Termination* - The CCP shall have the authority to terminate their members, which do not substantially comply with this permit, from the CCP. The CCP shall notify the Department by letter within 14 days of any membership termination and include a justification for termination. The Department shall also have the authority to terminate a permittee from the CCP if it does not substantially comply with this permit. The Department shall justify by letter its termination of a permittee from the CCP. A member terminated from the CCP, by either a CCP or the Department, shall not be eligible to enter any CCP and will be required to meet the conditions of Part D. of this permit and shall be ineligible for the conditions of Part C. A permittee terminated from the CCP may re-apply for eligibility reinstatement subject to the conditions of Part C. (7) of this permit.

(e) *Storm Water Pollution Prevention Plan (SWPPP) Certification* - The CCP's environmental expert shall review each member's SWPPP and visit each member's facility in order to verify that it meets the requirements of the permit prior to certification of the SWPPP. A SWPPP, which has not been certified,

shall be deemed incomplete. The CCP's environmental expert shall certify a SWPPP with the use of the following or equivalent language.

*I certify that this storm water pollution prevention plan (SWPPP) meets the requirements of the WPDES industrial storm water general discharge permit number WI-S059145 as a member of a qualifying Cooperative Compliance Program under the permit. Based upon my review of the facility, the pollution sources and the activities are adequately defined, and the Best Management Practices are consistent with those approved by the DNR/CCP. To the best of my knowledge and belief, the information contained in the SWPPP is true, accurate and complete.*

*Signed, CCP Environmental Expert*

(f) *Annual Training Sessions* - The CCP's environmental expert shall provide annual group training sessions for its members. Individual training sessions do not meet this requirement. These sessions are intended to bring all members together to allow for an open exchange of members' knowledge and experience with the other members. Each annual training session shall give an overview of the entire permit and requirements. However, additional attention shall be given to topics that the permittee will need to perform/evaluate within the coming year. The initial (year 1) training session shall emphasize development of a SWPPP. The year 2 training session should emphasize basic implementation of BMPs and monthly self-inspections. Year 3 training sessions and thereafter would likely emphasize specific source areas and associated BMPs. The Department shall be notified of training sessions 14 days in advance and allowed reasonable access to the training sessions.

(g) *Annual Compliance Audits* - The primary purpose of an annual compliance audit is to verify that the certified SWPPP is accurate, up-to-date and is being appropriately implemented.

1. Starting in year 3 of permit coverage, the environmental expert shall conduct annual compliance audits of each member's facility to evaluate compliance with this permit. The audits shall evaluate all potential storm water contamination source areas. Documentation of the audit shall be maintained by the CCP and at each facility.

2. The annual compliance audits shall document for each source area the following:

- (1) The date when the source area must be in compliance with the permit as indicated in Table A of the permit,

- (2) Current BMPs utilized and apparent effectiveness,

- (3) Whether or not additional/alternative BMPs are recommended and potential BMP alternatives to consider, and

- (4) Current status of compliance (i.e. substantial compliance or substantial non-compliance) and explain. If substantial non-compliance, then indicate timetable for coming into substantial compliance.

(h) *Program Evaluation* - A CCP shall require members to participate in Department-sponsored surveys, studies, or evaluations with respect to the CCP's effectiveness of managing storm water.

All correspondence (letters, annual reports, etc.) to be sent to the Department in accordance with Part E. of this permit shall be mailed to: Department of Natural Resources, Storm Water Program - WT/2, 101 S. Webster St., Box 7921, Madison, WI 53707-7921.

## **F. Standard Permit Conditions**

(1) Work Near Surface Waters and Wetlands. Any work performed in wetland areas or within areas subject to local floodplain and shoreland regulations must conform to all applicable county or local ordinances. All applicable state permits and/or contracts required by Chapters 30, 31 and 87, Stats. (or Wisconsin Administrative Code adopted under these laws), and applicable federal permits must be obtained as necessary.

(2) Duty to Comply. Any act of noncompliance with this permit is a violation of the permit and is grounds for enforcement action, for permit termination or modification, or denial of coverage under the permit. If the permittee files a request for an individual WPDES permit or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

(3) Continuation of the Expired General Permit. This permit will continue in force and effect until the Department revokes the permit or replaces it with a new permit. Any permittee who wishes to continue to discharge after the expiration date of the permittee's permit shall file an application for reissuance of the permit at least 180 days prior to the expiration. Applications for new coverage under this general permit cannot be made after the expiration of this general permit.

(4) Duty to halt or reduce activity. Upon failure or impairment of best management practices, the permittee shall, to the extent deemed necessary by the Department to maintain compliance with its permit, modify or curtail operations until the best management practices are restored or an alternative method of storm water contamination control is provided.

(5) Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the application, he or she shall promptly submit such facts or information to Department.

(6) Records Retention. All reports and records pertaining to the permittee's coverage under this general permit shall be retained for ten years beyond the date of the cover letter notifying a facility of coverage under a storm water permit, and shall be made available to the Department upon request.

(7) Notice of Termination. If a facility no longer claims coverage under this general permit, the permittee shall submit a signed notice of termination to the Department.

(a) Notice of Termination (Form 3400-170) forms may be obtained from the Regional offices of the Department or by writing to the Department of Natural Resources, WPDES Storm Water Program - WT/2, Box 7921, Madison, WI 53707-7921.

(b) Notice of termination forms shall be filed with the Department of Natural Resources, WPDES Storm Water Program - WT/2, Box 7921, Madison, WI 53707-7921.

(c) Termination of coverage shall be effective upon submittal of written confirmation by the Department to the permittee.

(8) Permit actions. As provided in s. 283.53, Stats., after notice and opportunity for a hearing this permit may be modified or revoked and reissued for cause.

(9) Modifications to Permit Requirements. The Department may, upon request of a permittee and/or upon finding of just cause, grant modifications to the compliance and reporting schedules or any requirements of this permit.

(10) Duty to Minimize. The permittee shall take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from non-compliance with this permit.

(11) Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking, or reissuing the permit or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records or reports required to be kept by the permittee. The permittee shall notify the Department of any changes in operation that could potentially result in the contamination of storm water.

(12) Certification and Signature Requirements. All applications for coverage under this permit, notices of termination, plans and reports or information required by this permit shall be signed by the permittee as follows:

(a) for a corporation, by a principal executive officer of at least the level of Vice President, or a duly authorized representative having overall responsibility for the operation covered by this permit;

(b) for a limited liability company, by a member or manager;

(c) for a unit of government, a principal executive officer, a ranking elected official, or other duly authorized representative;

(d) for a partnership, by a general partner; for a sole proprietorship, by the proprietor.

(13) Liabilities Under Other Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Clean Water Act (33 U.S.C. s. 1321), any applicable State law, or regulation under authority preserved by section 510 of the Clean Water Act (33 U.S.C. s. 1370).

(14) Property Rights. The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

(15) Severability. The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid the remainder of this permit shall not be affected thereby.

(16) Transfers. This permit is not transferable to any person except after notice to the Department. In the event of a transfer of control of a permitted facility, the new owner or operator shall file a new storm water discharge application.

(17) Inspection and Entry. Upon the presentation of credentials, the permittee shall allow an authorized representative of the Department to:

(a) enter upon the permittee's premises where a regulated permittee or activity is located or conducted, or when records are required under the conditions of the permit;

(b) have access to and copy, at reasonable times, any records that are required under the conditions of the permit;

(c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit;



(d) to sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters in storm water at any location; and

(e) inspect a facility requesting tier 3 coverage in order to evaluate eligibility for tier 3 coverage.

(18) Spill Reporting. The permittee shall notify the Department within 24 hours in accordance with s. 292.11(2) Stats., in the event that a spill or accidental release of any hazardous material or substance results in the discharge of pollutants to the waters of the state or creates a condition that may contaminate storm water discharged to waters of the state.

(19) Submitting Records. Unless otherwise specified, any reports submitted to the Department of Natural Resources in accordance with this permit shall be submitted to the Department office identified in the attached cover letter.

(20) Notification of Noncompliance. Reports of noncompliance with requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days of the permittee becoming aware of the noncompliance. Any report of noncompliance shall include: a description of the noncompliance; its cause; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and the effect of the noncompliance on the permittees ability to meet remaining schedules.

(21) Enforcement. Any violation of s. 283.33, Wis. Stats., ch. NR 216, Wis. Adm. Code, or this permit is enforceable under s. 283.89 (2m), Wis. Stats.